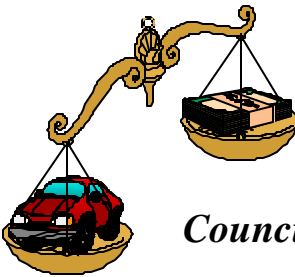


Council on Automobile Insurance  
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# The Rate Reducer

Council on Automobile Insurance Rates & Enforcement

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## Saliva Testing?

Law enforcement agencies may have a new tool in the fight against drugged drivers. Unlike alcohol-related incidents, where officers have preliminary breath test devices to assist during arrests, detecting a drug-related incident has not been as easy a task. Several manufacturers have recently developed state-of-the-art drug saliva test kits they believe could be the solution.

These kits, which are either on the market or under development, may provide some assistance in detecting drugged drivers. The intent for these kits would be to alert the arresting officer that the driver is under the influence of an illegal substance and provide a “quantitative” indication of its presence. These devices would enable officers to quickly and simply detect a presence of drug abuse, such as THC (marijuana/hashish), opiates, cocaine/crack, methamphetamine, and PCP, as well as alcohol.

The saliva kits may prove to be another effective method in the fight against impaired drivers on our roadways. With increased concerns over drugged drivers, the need for a quick, accurate detection system for impaired drivers, such as saliva test kits, maybe the added tool enforcement agencies need.1

## Driver Point System

In February, Bud Chauncy, President of the Driving School Association of Louisiana (DSAL), spoke to the Council about a Driver Point System for Louisiana. Mr. Chauncy explained to C.A.I.R.E. members the benefits of implementing a driver point system and its impact on automobile insurance rates.

Mr. Chauncy stated that in 1999, a point system was proposed and the

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### The Rate Reducer - Council on Auto Insurance Rates and Enforcement

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◆ C.A.I.R.E. was created by the enactment of R.S. 22:15 in the 1997 Regular Session of the Louisiana Legislature to undertake a comprehensive study of the enforcement of laws affecting Louisiana citizens’ automobile insurance rates. Based on this study, C.A.I.R.E. will make recommendations on enforcement and implementation of programs aimed at reducing automobile insurance rates in Louisiana.

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estimated cost was about \$800,000. He stated that one way to fund the system would be through a fee on traffic tickets. On average, Louisiana issues about 300,000 tickets per year. An added administrative fee of \$3-\$5 per ticket could cover the expenses. *Currently, 30 states have driver point systems in effect.*



## 2001 Regular Session In Full Swing

### C.A.I.R.E. Bill Sails Through The House and Senate Committee

HB 1509 by Representative Morrish restructures C.A.I.R.E. and creates the Louisiana Property and Casualty Insurance Commission. The commission will review and examine the availability and affordability of property and casualty insurance in Louisiana. The commission will also study, provide oversight and recommendations for laws and programs which affect automobile rates.

The commission will be comprised of three ad hoc committees within the commission. These ad hoc committees will study property and casualty insurance, including, but not limited to, automobile, homeowners' and workers' compensation insurance. The commission will be composed of 20 members.

House Bill 1509 passed the House Floor on April 18<sup>th</sup> by a vote of 100 yeas and 0 nays. The bill passed the Senate Insurance Committee on May 2<sup>nd</sup> and now goes to the Senate Floor.

### 0.08 BAC Drives Through The Senate

Senate Bill 363 by Senator Dupre, one of the more notable and controversial pieces of legislation C.A.I.R.E. is monitoring, passed the Senate by a vote of 33 yeas and 0 nays. SB 363 will reduce Louisiana's blood alcohol limit from 0.10 BAC to 0.08 BAC, effective this year. If SB 363 is passed, Louisiana has the opportunity to gain federal dollars and save lives.

### Other Legislation of Interest:

#### Senate Bill 784 by Senator Chaisson: Open Containers

SB 784 by Senator Chaisson would prohibit the consumption of alcohol in a vehicle

by all occupants, including passengers. Current law only prohibits the operator of a motor vehicle, which is on the highway, from possessing an open alcoholic beverage container or from consuming an alcoholic beverage in the passenger area of the motor vehicle. SB 784 passed the Senate with 29 yeas and 6 nays. The bill has been referred to the House Transportation Committee.

#### Senate Bill 881 by Senator Chaisson

SB 881 by Senator Chaisson retains current law that provides for the crime of operating a vehicle while intoxicated, the crime of vehicular homicide, the crime of vehicular negligent injuring and the crime of first degree vehicular negligent injuring and adds the following to the determination of all such crimes:

1. The operator is under the combined influence of alcohol and any other drug, whether or not it is a controlled dangerous substance or a non-prescription drug, to the degree that his ability to drive safely is impaired.
2. The operator is under the influence of any drug or combination of drugs whether or not a controlled dangerous substance or non-prescription drug.

SB 881 passed the Senate with 32 yeas and 2 nays. The bill now heads to the House Administration of Criminal Justice Committee.

#### House Bill 939 by Representative Diez: Child Restraint Systems

House Bill 939 requires every *driver* who transports a child under 13 years of age in a motor vehicle to properly secure the child in an age- or size- appropriate passenger restraint system. Current law states that every *resident of this state* who transports a child under 13 years of age in a motor vehicle must properly secure the child in a passenger restraint system. The bill passed the House Transportation Committee and was returned to the calendar on the House floor.

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